

Appl. No. 09/759,552
Atty. Docket No. 8394
Amdt. dated December 3, 2008
Reply to Office Action of July 10, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 1 – 7, 10 – 12, 18 and 19 are pending in the present application. Claims 8, 9, and 13 are canceled by the present amendment, and claims 14 – 17 were withdrawn from consideration. Claim 1 is amended herein, and claims 18 and 19 are newly added. Support for the amendments to claim 1 and the newly added claims 18 and 19 can be found in the claims as originally filed and on page 13, lines 3 – 14 of the present specification. No additional claims fee is believed to be due.

Objection to the Specification

The Examiner objects to the specification because it allegedly does not provide antecedent basis for the terms “deactivating” and “activating” in claims 1, 8, 9, and 13. By the present amendment, claims 8, 9, and 13 are canceled and claim 1 is amended to remove both of the terms objected to by the Examiner. Accordingly, it is believed that this objection has been overcome and it should be withdrawn.

Rejection Under 35 USC 101

The Examiner has rejected claims 1 and 13 under 35 USC 101 because these claims are allegedly directed to both a machine and a method. The use of the terms “deactivating” and “activating” in claims 1 and 13 are read by the Examiner as method steps. By the present amendment, claim 13 is canceled and claim 1 is amended to remove both of the terms objected to by the Examiner. Accordingly, it is believed that this rejection has been overcome and it should be withdrawn.

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Rejection Under 35 USC 112, Second Paragraph

Claims 1 – 13 stand rejected under 35 USC 112, second paragraph. The Examiner alleges that the claim limitation “said high voltage power supply at least one of deactivatingand activating....”. The Examiner goes on to explain that deactivating and activating are process steps that render the claims indefinite because the manufacturer of the machine will not know if the claims are infringed because the infringement occurs at use. Without addressing the merits of this rejection, by the present amendment, claim 13 is canceled and claim 1 is amended to remove the claim limitation objected to by the Examiner. Accordingly, it is believed that this rejection has been overcome and it should be withdrawn.

Rejection Under 35 USC 103 Over Perkins et al.

Claims 1 – 13 stand rejected under 35 USC 103(a) as being obvious over Perkins et al. (US 5,566,042). This rejection is respectfully traversed.

In an effort to advance prosecution, the Applicants have amended the present claims to both distinguish over Perkins et al. and to address the issues raised by the Examiner in the three sections above. In doing so, the Perkins reference is believed to be no longer relevant. Specifically, Perkins does not teach an electrostatic spraying device that has a resistor that can bleed off the stored charge of the device in less than 60 seconds, 30 seconds or 5 seconds. The formula needed to calculate the size of the resistor, based on the amount of charge the device can store (its capacitance), is also claimed. The bleed resistor is important for the present device to insure product is not discharged after the device is turned off (and to insure the user does not get shocked). Thus the present claims include mechanical limitations only and the alleged method steps are removed. Moreover, at least one such mechanical limitation is not taught by Perkins et al. Accordingly, it is believed that the present claims are not obvious over Perkins et al. and the present rejection should be withdrawn.

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Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, Applicants respectfully request entry of the amendments presented herein, reconsideration of the presently pending Claims 1 – 7, 10 – 12, 18 and 19 as amended, withdrawal of the rejections, and early allowance of this application.

Respectfully submitted,
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